APPENDIX A

Text of Statutes Involved

45 U.S.C. § 1. It shall be unlawful for any common carrier engaged in interstate commerce by railroad to use on its line any locomotive engine in moving interstate traffic not equipped with a power driving-wheel brake and appliances for operating the train-brake system, or to run any train in such traffic that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose. 27 Stat. 531.

45 U.S.C. § 6. Any common carrier engaged in interstate commerce by railroad using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of sections 1-7 of this title, shall be liable to a penalty of $100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdicion in the locality where such violation shall have been committed; and it shall be the duty of such United States attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper United States attorneys information of any such violations as may come to its knowledge: *Provided,* That nothing in sections 1-7 of this title shall apply to trains composed of four-wheel cars or to trains composed of eight-wheel standard logging cars where the height of such car from top of rail to center of coupling does not exceed twenty-five inches, or to locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs. 27 Stat. 532; 29 Stat. 85; 62 Stat. 909.

45 U.S.C. § 8. The provisions and requirements of sections 1-7 of this title shall be held to apply to common carriers by railroads in the Territories and the District of Columbia and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type; and the provisions and requirements relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of this title, or which are used upon street railways. 32 Stat. 943.

45 U.S.C. § 11. It shall be unlawful for any common carrier subject to the provisions of sections 11-16 of this title to haul, or permit to be hauled or used on its line, any car subject to the provisions of said sections not equipped with appliances provided for in said sections, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders: *Provided,* That in the loading and hauling of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars while they are thus combined for such purpose. 36 Stat. 298.

APPENDIX B

Citations to Pertinent Statutes of Twenty-Six States Which Regulate Equipment Required on Motor Track Cars

Arkansas: Ark. Stat. (1947) sec. 73-740 (Pocket Part 1951);
California: C. 1340 Calif. Stat. (1953) Pub. Util. Code Sec. 7612;
Connecticut: Secs. 1956c and 1957c, 1953 Supp. to Conn. Gen. Stat.;
Idaho: C. 89, 1953 Session Laws Secs. 62-420 to 62-423 Idaho Code, Cum. Pocket Supp.;
Illinois: 1951 Smith-Hurd, Ill. Stat. Ann. C. 114, secs. 188a, 188b;
Indiana: Burns Indiana Stat. (1955) secs. 55-1257 to 1259;
Iowa: Sec. 477.22 Iowa Code (1954);
Kentucky: KRS 277.245 and 277.990 (1952);
Maine: C. 46, sec. 79, Rev. Stat. of Maine, 1954;
Maryland: Acts of Md. 1949, c. 495 (not yet codified);
Massachusetts: C. 430, Acts of 1952 and c. 174, Acts of 1951;
Michigan: Mich. Stat. Ann., secs. 22.965, 22.966, 22.968(1), 22.968(2);
Minnesota: Minn. Stat. Ann. 1949, sec. 219.561;
Nebraska: Sec. 74-592 to 593, Rev. Stat., 1950 Supp.;
Nevada: C. 179, p. 209, 1953 Stat.;
New Hampshire: N. H. Rev. Stat. Ann., secs. 370.10, 370.11;
North Dakota: Secs. 49-1327, 49-1328 (1953 Supp.) No. Dak. Rev. Code (1943);
Ohio: Ohio General Code, Sec. 614-3;
Oklahoma: 66 Okla. Stat. sec. 96.1, 1953 Session Laws (Windshields);
Oregon: ORS 761.320 (1953);
Tennessee: William's Tenn. Code Ann., 1952 Supp., sec. 26709;
Utah: 56-125 Utah Code Ann. 1953 (Pocket Part);
Vermont: Public Act No. 209 p. 203 (1953);
Virginia: Secs. 56-413.1 and 56-413.2, Pocket Part (1954);
Washington: Rev. Code of Wash., sec. 81.44.101-105;
Wisconsin: Wisc. Stat. Secs. 192.266 and 192.268 (1953).

APPENDIX C

Defendant's Exhibit 11

Motor Track Car With Push Truck Attached

Push Truck

APPENDIX D

Defendant's Exhibit 12